

# **APPROVED**

## **PLANNING COMMISSION SUBCOMMITTEE MINUTES**

**October 22, 2008**

### **I. ROLL CALL**

Present: Larry Ciardella and Gurdev Sandhu  
Absent: Sudhir Mandal  
Staff: Ah Sing, Bejines and Hom

### **1. MINOR SITE DEVELOPMENT PERMIT NO. MA08-0011**

Cindy Hom, Assistant Planner, presented a request to modify the building elevations for the Paragon residential project located at 1696 S. Main Street. Ms. Hom recommended approving Minor Site Development No. MA08-0011 subject to the Conditions of Approval.

Commissioner Ciardella suggested the following condition of approval:

1. The applicant shall maintain stone veneer on all street side elevations. (PC Sub)

**Motion** to approve Minor Site Development Permit No. MA08-0011 with the added condition stated above.

M/S: Ciardella/Sandhu

AYES: 2

NOES: 0

### **II. ADJOURNMENT**

This meeting was adjourned at 6:45 p.m.

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### PLANNING COMMISSION MINUTES

October 22, 2008

#### **I. PLEDGE OF ALLEGIANCE**

Acting Chair Sandhu called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

#### **II. ROLL CALL/SEATING OF ALTERNATE**

Present: Aslam Ali, Larry Ciardella, Alex Galang, Gurdev Sandhu  
Absent: Gunawan Ali-Santosa, Sudhir Mandal, Noella Tabladillo and Cliff Williams  
Staff: Ah Sing, Bejines, Lindsay, Moloney, Oliva, Otake, Rodriguez and Whitecar

Alternate Commissioner Aslam Ali was seated as a member of the voting body.

#### **III. PUBLIC FORUM**

Acting Chair Sandhu invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

**Frank De Smidt, Milpitas Rotary Club**, invited the community to visit their pumpkin patch located at the Sports Center parking lot. Also, on Saturday, October 25<sup>th</sup>, they will host a "Pies in the Face" challenge to candidates running for Milpitas mayor, city council and school board and the Santa Clara County Board of Supervisors.

#### **IV. APPROVAL OF MINUTES October 8, 2008**

Acting Chair Sandhu called for approval of the minutes of the Planning Commission meeting of October 8, 2008.

There were no changes to the minutes.

**Motion** to approve the minutes of October 8, 2008 as submitted.

M/S: Galang/Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Ali-Santosa, Mandal, Tabladillo and Williams)

ABSTAIN: 0

#### **V. ANNOUNCEMENTS**

James Lindsay, Planning and Neighborhood Services Director, announced public meetings for the Housing Element Update to the General Plan on Thursday, Nov. 6<sup>th</sup> at 2 p.m. and Thursday, November 13<sup>th</sup> at 7 p.m. at the Milpitas Community Center.

## APPROVED

### Planning Commission Minutes

October 22, 2008

**VI.  
CONFLICT  
OF INTEREST**

Assistant City Attorney Bryan Otake asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda.

There were no Commissioners who identified a conflict of interest.

**VII.  
APPROVAL OF  
AGENDA**

Acting Chair Sandhu asked whether staff or the Commission have any changes to the agenda.

There were no changes to the agenda.

**Motion** to approve the agenda.

M/S: Galang/Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Ali-Santosa, Mandal, Tabladillo and Williams)

ABSTAIN: 0

**APPROVED**  
**Planning Commission Minutes**  
October 22, 2008

**VIII.**  
**CONSENT CALENDAR**

Acting Chair Sandhu asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Mr. Lindsay noted that there are no changes to the consent calendar however regarding Item No. 5 (Conditional Use Permit No. UP08-0013 and Site Development Permit Amendment No. SA08-0013) staff is providing a change to condition no. 6 which is stated below. Also staff included an e-mail from a concerned resident that wanted to make sure that the monument sign does not set precedence for other larger signs in the area.

- Revised Condition No. 6 – To encourage additional texturing and architectural enhancement to the proposed pylon sign, tenant signage on the pylon sign shall be consistent with the Dixon Landing Plaza Copy sign type that provides for dimension letters and/or logos that have a raised surface.

Acting Chair Sandhu opened the public hearing on Item No. 1 (Conditional Use Permit No. UP08-0013 and Site Development Permit Amendment No. SA08-0013 (Continued from September 24, 2008)).

There were no speakers from the audience.

**Motion** to close the public hearing on Item No. 1.

M/S: Galang/Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Ali-Santosa, Mandal, Tabladillo and Williams)

ABSTAIN: 0

**Motion** to approve the consent calendar.

M/S: Galang/Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Ali-Santosa, Mandal, Tabladillo and Williams)

ABSTAIN: 0

- \*1 CONDITIONAL USE PERMIT AMENDMENT NO. UA08-0004:** A request to amend Special Condition of Approval No. 11 to allow the installation of shades for storefront windows for a previously approved karaoke establishment located at 788 Barber Lane. *(Recommendation: Adopt Resolution No. 08-056 approving the project subject to conditions of approval.)*
- \*5 CONDITIONAL USE PERMIT NO. UP08-0013 AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA08-0013 (CONTINUED FROM SEPTEMBER 24, 2008):** A request to install a 45-foot tall double-sided, multi-paneled internally illuminated freestanding sign and approve a master sign program for Dixon Landing Plaza located at 1545-1551 California Circle. *(Recommendation: Adopt Resolution No. 08-052 approving the project subject to conditions of approval.)*

## IX. PUBLIC HEARING

### 2. GENERAL PLAN AMENDMENT NO. GP2007-6, ZONE CHANGE NO. ZC2007-3, ENVIRONMENTAL ASSESSMENT NO. EA2007-1, MAJOR TENTATIVE MAP NO. MT08-0003, SITE DEVELOPMENT PERMIT NO. SZ2007-2 AND CONDITIONAL USE PERMIT UP08-0041

Judie Gilli, Associate Planner, presented a request to change the land use and zoning designations of the approximately three-acre project site located at 600 Barber Lane (formerly Billings Chevrolet). The proposed project also involves the redevelopment of the site with an 18-story mixed-use building with an attached 8-level parking garage. The mixed-use building and parking garage is proposed to be approximately 277 and 115 feet in height, respectively. The mixed-use building includes 148,805 gross square feet of retail (floors 1-3), 48,960 gross square feet of office (floor 4) and 375 residential condominium units (floors 5-18). The proposed project includes amendments to the City of Milpitas General Plan and Zoning Map. A conditional use permit is requested for exceptions to the side/rear setbacks and parking standards. An Environmental Impact Report has been prepared for this project and includes over-riding considerations to adopt. Ms. Gilli recommended to Adopt Resolution No. 08-043 approving the project subject to conditions of approval to City Council.

Commissioner Galang asked if the people who attended the August 14<sup>th</sup> community meeting are in attendance tonight. Ms. Gilli said the same people that were noticed for the community meeting were noticed for the public hearing.

Acting Chair Sandhu asked how many parking spaces will be allocated for one condominium unit and Ms. Gilli said one parking space.

Acting Chair Sandhu introduced the applicant.

**Chris Real with TP Pham Investments, LLC, and Albert Liu with LPMD Architects,** introduced the Landmark Towers project which is a high end luxury high rise with 18 stories mixed-use located at 600 Barber Lane on the old Billing Chevrolet site and provided a PowerPoint presentation and video presentation.

Alternate Commissioner Ali asked if the elevator from the parking lot will go to the residential units. Mr. Liu said residents will have access to their unit from the parking garage.

Alternate Commissioner Ali asked what is the estimated time to finish the project and Mr. Real said 2 ½ years upon receipt of a building permit.

Alternate Commissioner Ali asked if the developer will plan more units on the 18<sup>th</sup> floor in the future and Mr. Real said no.

Commissioner Ciardella asked about residential security. Mr. Liu said they will have a 24 hour security system and residents will only be able to access the floors with a card key.

Commissioner Ciardella asked if the roof garden will be available for the public and Mr. Real said yes.

Commissioner Ciardella asked how will the public access the roof garden. Mr. Real said it is only in concept form and the logistics will have to be worked out.

Commissioner Ciardella asked how tall will the glass walls be outside the roof garden and Mr. Liu said approximately 8 feet.

Commissioner Ciardella asked if the buildings will be sprinkled and Mr. Liu said yes.

Commissioner Galang asked why the developer chose Milpitas.

Acting Chair Sandhu introduced the developer.

**Cong Nguyen, Developer**, said he chose Milpitas because it is a fantastic and unique location surrounded by companies and retail markets. They wanted a pedestrian friendly concept where residents can shop in their own building and not have to drive anywhere and also to commute closer to home.

Commissioner Galang asked what type of retail will be on the 1<sup>st</sup> floor and Mr. Nguyen said it will be mixed.

Commissioner Galang asked where the clubhouse is located. Mr. Liu said it will be located on top of the garage on the east side facing I-880 and is exclusive for residents.

Commissioner Galang asked what will be on the fourth floor. Mr. Nguyen said it will be first class office space and will be private so the public cannot access the area.

Commissioner Galang asked how many elevators does the project have and Mr. Liu said four elevators.

Acting Chair Sandhu opened the public hearing.

**Dr. Fule, Resident**, said this type of project fits the needs of his family and is in favor of the project.

**Joseph Weinstein, 626 Hamilton Avenue**, said he is here to support the project and felt Landmark will do the City good because it is a luxury living space and pedestrian friendly.

**Elizabeth, student**, felt the project would benefit Milpitas and be good for business.

**Dr. Will Pham** said he is in favor of luxury condos and asked the Commission to approve the project.

**Hue, 1771 Quimby Road**, said the project would be very convenient for Cisco employees and encouraged the Commission to approve the project.

**Motion** to close the public hearing.

M/S: Galang/Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Ali-Santosa, Mandal, Tabladillo and Williams)

ABSTAIN: 0

**Motion** to recommend approval to the City Council of GP2007-6, ZC2007-3, MT08-0003, EA2007-1, SZ2007-2, and UP08-0041 subject to Resolution No. 08-043 its exhibits and Conditions of Approval.

M/S: Galang/Ali

AYES: 4

NOES: 0

ABSENT: 4 (Ali-Santosa, Mandal, Tabladillo and Williams)

ABSTAIN: 0

**3. ZONING  
AMENDMENT ZA08-0010,  
PARKING ORDINANCE  
AMENDMENTS**

Sheldon Ah Sing, Senior Planner, presented a request to amend the City of Milpitas Parking regulations regarding the amount of parking required, parking design standards and formatting changes to the section. The section affects parking for all zoning districts and uses within the City. The proposed changes would affect new or remodel projects. Mr. Ah Sing recommended adopting Resolution No. 08-058 recommending approval of the amendments to the City Council.

Commissioner Ciardella said he is concerned about tandem parking because it would give the developers more power and asked if there any alternatives. Mr. Ah Sing said the parking for a project would come before the Planning Commission who would have the authority to approve, deny or modify the project and that tandem parking would be reviewed on a case by case basis.

Commissioner Ciardella said that parking for condominium projects is horrendous and asked if the amendments will change the process. Mr. Ah Sing said staff is hoping that it would affect the newer projects and would require an extra space for dwelling units with 4 or more bedrooms and require 5% more guest parking in R4.

Commissioner Ciardella said he is concerned and wants to make sure the process will be improving the parking situation.

Mr. Ah Sing said it would increase the parking over time in incremental changes and the parking amendment will not drastically change the city over a year.

**APPROVED**  
**Planning Commission Minutes**  
October 22, 2008

Commissioner Galang asked if compact parking is required in a commercial zone when the business has ten or more spaces on site. Mr. Ah Sing said it is not a requirement but an option that a developer could have 40% of compact parking.

Commissioner Galang asked where compact parking is located. Mr. Ah Sing said that through design standards it is required that compact spaces be dispersed across the parking lot so they are not all in one row and that they be located near landscaped areas.

Commissioner Galang said he is concerned that sport utility vehicles park in compact stalls and asked if this is legal. Mr. Ah Sing said that he is not aware of any ordinance restricting this however the property owner could have "compact" stenciled in the parking space or signs could be installed indicating the parking space.

Commissioner Galang asked if the driveway is counted as a parking space for R1 and R2 single-family residential and Mr. Ah Sing said the driveway could be counted as two spaces. Mr. Ah Sing also said that if a resident wants to add new bedrooms to their home they have to consider new parking if they do not already have it on site.

Commissioner Galang asked if there are any on-street parking restrictions. Mr. Lindsay said the City has a history of not counting on-street parking as required parking.

Alternate Commissioner Ali asked what the difference between R3 and R5 zoning district is. Mr. Ah Sing said there is more density per acre in R5.

Alternate Commissioner Ali asked if tandem parking works. Mr. Lindsay said there are projects that currently have tandem parking in an individual unit and are effective in structured parking. Mr. Oliva said an example of tandem parking would be Parc Place on Curtis Drive and another project on Abel Street.

Commissioner Ciardella asked how does staff regulate patrons parking in another owner's parking lot. Mr. Ah Sing said there is no ordinance or regulation to deter that.

Mr. Lindsay felt it would work because parking recommendations from restaurants that are contained in the ordinance are reflective of the actual dining area that a restaurant would have. Currently the parking is judged by the number of seats in the floor plan that is not related to the actual occupant load of the dining area. Very often, the number of seats is dictated by the available parking and the actual occupant load enforced by the fire department is actually greater which leaves extra room in the dining area for extra seating. So with this modification, the size of the dining area would be a reflection of the available parking. In the long term, it would improve the situation where there are successful restaurants creating parking impacts.

Acting Chair Sandhu opened the public hearing.

**Frank De Smidt, Parking Task Force,** said he is concerned about the Landmark tower project having only one parking space per unit because it will spill into the guest parking. He is also concerned that guest parking used to be 40% and then it went down to 15% and now staff wants to require 20% guest parking spaces which he felt was still not enough. He felt that tandem parking should be reduced or eliminated and asked staff to look into the restaurant parking changes carefully

**Bill Cilker Jr., Owner of Milpitas shopping center,** experienced the commercial end of the parking issues and felt that the changes the parking task force came out are pretty good comprises. He is concerned about tandem parking and felt 75% of tandem parking requirements is too much for a project.

**Motion** to close the public hearing.

M/S: Galang/Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Ali-Santosa, Mandal, Tabladillo and Williams)

ABSTAIN: 0

Commissioner Ciardella said he is against 75% tandem parking and would like to change it to 25% tandem parking in parking garages/structures and Alternate Commissioner Ali agreed.

Commissioner Ciardella said he is also concerned about 20% guest parking requirements and would like to change it to 25% guest parking requirements.

Mr. Lindsay suggested that for guest parking, the parking characteristics are different for a town home development with individual garages than with projects that have a parking garage. He has seen issues with overflow of guest parking with townhomes rather than projects that have parking garages and suggested that the 25% guest parking requirement be applied to town home projects rather than projects with a parking garage.

Alternate Commissioner Ali asked if the 25% guest parking requirement would make it or break it for developer and Mr. Lindsay said any residential developer looking into a project after January 2009 would have to adhere to the new policy requirement and the requirement would mean less living space and more parking.

Alternate Commissioner Ali asked what is Fremont and San Jose's guest parking requirement and Mr. Oliva said neighboring cities requirement averaged around 20% to 25%.

**Motion** to recommend approval to the City Council of Zoning Amendment ZA08-0010, Parking Ordinance Amendments and to require 25% guest parking for townhomes and condominium projects and require 25% tandem parking in structured parking garages only.

M/S: Ciardella/Galang

AYES: 4

NOES: 0

ABSENT: 4 (Ali-Santosa, Mandal, Tabladillo and Williams)

ABSTAIN: 0

**4. ZONING  
AMENDMENT ZA08-0007**

Julie Moloney, Associate Planner, presented a request to amend the City of Milpitas Zoning Ordinance Sections 10-6 and 10-19 to allow Massage Services as a Conditionally Permitted Use requiring a Conditional Use Permit in the Mixed Use (MXD, MXD2 and MXD3) and General Commercial (C2) Districts, to remove Massage establishments as a prohibited use and to amend Section 10-13.03 Accessory Uses, to include massage of hands and feet as an accessory use to commercial services. Ms. Moloney recommended adopting Resolution No. 08-057 recommending adoption of the Zoning Text Amendments to the City Council.

Commissioner Ciardella asked if massage kiosks at the Great Mall are conditionally permitted and Mr. Lindsay said they do not require a use permit but are considered an ancillary use of the head and neck for commercial service and are allowed.

Acting Chair Sandhu opened the public hearing.

**Philip Su, Applicant**, asked the Commission to allow body massage use in C2 zoning and MXD zoning because it is a very popular use and he would like to see it allowed in the shopping center to allow more flexibility.

**Motion** to close the public hearing.

M/S: Galang/Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Ali-Santosa, Mandal, Tabladillo and Williams)

ABSTAIN: 0

**Motion** to adopt Resolution No.08-057 recommending approval to the City Council of Zoning Amendment ZA08-0007

M/S: Galang/Ciardella

AYES: 4

NOES: 0

ABSENT: 4 (Ali-Santosa, Mandal, Tabladillo and Williams)

ABSTAIN: 0

**X.  
ADJOURNMENT**

The meeting was adjourned at 9:17 p.m. to the next regular meeting of November 12, 2008.

Respectfully Submitted,

James Lindsay  
Planning & Neighborhood  
Services Director

Veronica Bejines  
Recording Secretary

APPROVED  
Planning Commission Minutes  
October 22, 2008